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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,679	07/28/2003	Andreas Fleck	202-067	4589

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EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/627,679

**Applicant(s)**

FLECK ET AL.

**Examiner**

Aaron M Dunwoody

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 3,4,8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3679

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

No Information Disclosure Statement submitted.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6076864, Leviver et al in view of DE 3923344, Pustelnik.

In regards to claim 1, Leviver et al discloses a pipe connecting unit for connecting a first pipe to a second pipe, the pipe connecting unit comprising:

a bellows body (14) made of elastomer material and having first and second ends;

the bellows body having projecting flange collars at the first and second ends, respectively;

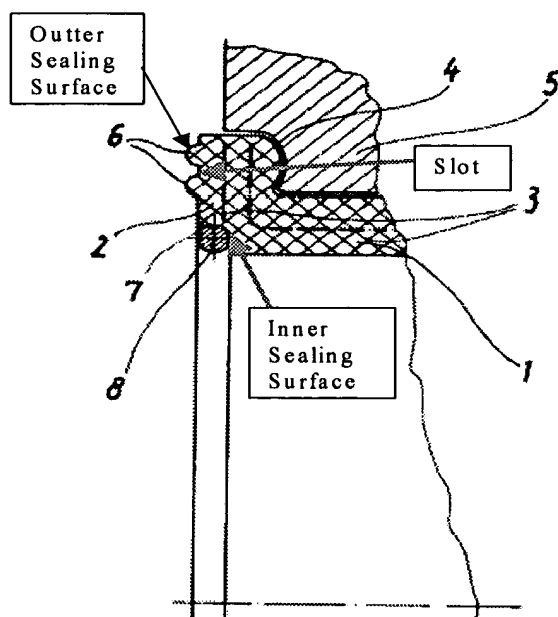
first and second annular holding flanges (13) mounted behind corresponding ones of the flange collars and each of the holding flanges being configured to engage and grasp the flange collar corresponding thereto;

Art Unit: 3679

first and second pipe mounted flanges (3) mounted on corresponding ones of the first and second pipes;

the first and second pipe mounted flanges being slip-on flanges joined to the first and second pipes at corresponding end portions thereof;

the flange collars defining respective end sealing surfaces facing toward the slip-on flanges. Levivier et al does not disclose each of the end sealing surfaces being partitioned in radial direction into at least inner and outer concentric annular sealing surfaces by a peripherally extending slot formed in the end sealing surface; and, only the outer annular sealing surface being in sealing contact engagement with the slip-on flange corresponding thereto when the holding flange is drawn toward and secured to the corresponding slip-on flange. In the Figure below,



Pustelnik teaches each of the end sealing surfaces being partitioned in radial direction into at least inner and outer concentric annular sealing surfaces by a peripherally extending slot formed in the end sealing surface; and, only the outer annular sealing surface being in sealing contact engagement with the flange corresponding thereto when the holding flange is drawn toward and secured to the corresponding flange, to compensating relative movements of the pipes. As Pustelnik relates to pipe connections with elastomer compensating bodies, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate each of the end sealing surfaces partitioned in radial direction into at least inner and outer concentric annular sealing surfaces by a peripherally extending slot formed in the end sealing surface; and, only the outer annular sealing surface being in sealing contact engagement with the flange corresponding thereto when the holding flange is drawn toward and secured to the corresponding flange, to compensating relative movements of the pipes, as taught by Pustelnik.

In regards to claims 2 and 7, Leviver et al in view of Pustelnik disclose the claimed invention, including first and second annular sealing discs (8) connected to corresponding ones of the inner and outer annular sealing surfaces at each end of the bellows body. Leviver et al in view of Pustelnik does not disclose the sealing discs all being made of elastomeric or thermoplastic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the sealing discs of elastomeric or thermoplastic material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of

Art Unit: 3679

its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

In regards to claims 5 and 10, Leviver et al discloses each of the flange collars having a reinforcement layer formed therein.

In regards to claim 6, Leviver et al in view of Pustelnik discloses a pipe connecting unit for connecting a first pipe second pipe, the pipe connecting unit comprising:

- a bellows body made of elastomer material and having and second ends;

- the bellows body having projecting flange collars at the first and second ends, respectively;

- first and second annular holding flanges mounted behind corresponding ones of the flange collars and each of the holding flanges being configured to engage and grasp the flange collar corresponding thereto;

- first and second pipe mounted flanges provided on corresponding ones of the first and second pipes;

- the first and second pipe mounted flanges being welding-neck flanges (2) at corresponding end portions of the first and second pipes;

- the flange collars defining respective end sealing surfaces facing toward the welding-neck flanges;

- each of the end sealing surfaces (6) being partitioned in radial direction into at least inner and outer concentric annular sealing surfaces by a peripherally extending slot formed in the end sealing surface; and,

Art Unit: 3679

at least the outer annular sealing surface being in sealing contact engagement with the welding-neck flange corresponding thereto when the holding flange is drawn toward and secured to the corresponding welding-neck flange.

In regards to claim 11, Pustelnik discloses both of the annular sealing surfaces being in sealing engagement with the welding-neck flange.

### ***Allowable Subject Matter***

Claims 3, 4, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dan P Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

.amd



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